

**MPO RESOLUTION # 25-04**

**RESOLUTION APPROVING THE FY 2005-2009 TRANSPORTATION  
IMPROVEMENT PROGRAM AND CERTIFYING COMPLIANCE WITH  
CLEAN AIR ACT AMENDMENTS OF 1990 AS AMENDED**

WHEREAS, the Interlocal Agreement creating and establishing the Metropolitan Planning Organization (MPO) for the Miami Urbanized Area requires that the MPO provide a structure to evaluate the adequacy of the transportation planning and programming process, and

WHEREAS, the Transportation Planning Council has been established and charged with the responsibility and duty of fulfilling the aforementioned functions, and

WHEREAS, the Clean Air Act Amendments require areas designated as nonattainment or maintenance by the Environmental Protection Agency to comply with certain regulations to determine conformity of the Long Range Transportation Plans and Transportation Improvement Programs to the State Implementation Plan (SIP); and

WHEREAS, Miami-Dade County was designated as a Maintenance Area for Ozone NAAQS by the Environmental Protection Agency on April 25, 1995; and

WHEREAS, Section 176(c)(3) of the Clean Air Act Amendments states that "No department, agency, or instrumentality of the Federal Government shall engage in, support in any way, or provide financial assistance for, license or permit, or approve any activity which does not conform to the SIP after it has been approved and promulgated under Section 110; and

WHEREAS, no Metropolitan Planning Organization designated under Section 134 of Title 23 U.S.C. shall give its approval to any project, program, or plan which does not conform to an Implementation Plan promulgated under Section 110; and

WHEREAS, pursuant to 40 CFR Part 93.102(b)(3), the federal conformity rules apply to maintenance areas for 20 years from the date EPA approves the area's request under Section 107(d) of the Clean Air Act for redesignation for attainment; and

WHEREAS, pursuant to 40 CFR Part 93.104(c)(1) a new TIP must be demonstrated to conform before the TIP is approved by the MPO or accepted by Florida Department of Transportation (FDOT), and

WHEREAS, the FDOT and the Florida Department of Environmental Protection (FDEP) have provided guidance on determining conformity of transportation plans, programs, and projects with the State Implementation Plan, and determined that Transportation Control Measures are not included as a requirement of the State Implementation Plan for the maintenance period, under Section 176(c) of the Clean Air Act; and

WHEREAS, a conformity determination was conducted for the Year 2025 Long Range Transportation Plan through an emissions analysis of planning horizons and budget years of the Plan, using the new Motor Vehicle Emission Budgets (MVEB) in the updated Maintenance Plan of the revised State Implementation Plan (SIP), and it was found to conform, as required by 40 CFR 93.104 of the Transportation Conformity rule, and

WHEREAS, the conformity determination report supporting the finding of conformity for the cost feasible alternative of the 2025 Long Range Transportation Plan was revised to reflect updated information; and

WHEREAS, the revised conformity determination report also demonstrates the conformity of the Transportation Improvement Plan for the FY 2004/05 –FY2008/09; and

WHEREAS, on February 4, 2004 the MPO opened a public comment period on the draft TIP and conformity determination report, and continued the comment period through the public hearing held on May 27, 2004.

WHEREAS, Federal and State regulations require that the MPO annually adopt a Transportation Improvement Program (TIP) that implements the Transportation Plan for the Miami Urbanized Area, and complies with the Clean Air Act Amendment of 1990, and

WHEREAS, the TPC has reviewed the Draft FY 2004/05 –FY2008/09 TIP and has found that the project are in accordance with the goals and objectives of the Transportation Plan for the Miami Urbanized Area.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE METROPOLITAN PLANNING ORGANIZATION FOR THE MIAMI URBANIZED AREA:

SECTION 1. That the Miami-Dade Metropolitan Planning Organization endorses the revised air quality conformity determination report (CDR) and reaffirms the conformity of the 2025 Long Range Transportation Plan,

SECTION 2. That the Transportation Improvement Program for the FY 2004/05 –FY2008/09 is a subset of the conforming cost feasible alternative of the 2025 Long Range Transportation Plan and conforms to the State Implementation Plan.

SECTION 3. That the MPO Board amended the proposed TIP to remove NW 87<sup>th</sup> Avenue at 154<sup>th</sup> Street to 186<sup>th</sup> Street Project from the Road Impact Fee Section of the TIP and place it in the People Transportation Plan Section of the TIP.

SECTION 4. That the MPO Board amended the TIP to reflect the resolution deleting MDX Project number XA2001 Central Parkway from the FY 2004 TIP.

SECTION 5. That the amended Transportation Improvement Program for the FY 2004/05 – FY2008/09, as a subset of the conforming cost feasible alternative of the 2025 Long Range Plan, and its air quality CDR is hereby recommended for approval to the MPO Governing Board.

The foregoing resolution was offered by Board Member Javier D. Souto who moved its adoption. The motion was seconded by Board Member Bruno Barreiro, and upon being put to a vote, the vote was as follows:

Board Member Bruno A. Barreiro	-Aye	Board Member Raul L. Martinez	-Aye
Board Member Joe J. Celestin	-Absent	Board Member Jimmy L. Morales	-Absent
Board Member Jose "Pepe" Diaz	-Absent	Board Member Dennis C. Moss	-Aye
Board Member Manuel A. Diaz	-Aye	Board Member Dorrin Rolle	-Aye
Board Member Betty T. Ferguson	-Aye	Board Member Natacha Seijas	-Aye
Board Member Shirley M. Gibson	-Aye	Board Member Darryl K. Sharpton	-Absent
Board Member Perla T. Hantman	-Aye	Board Member Jose Smith	-Aye
Board Member Sally A. Heyman	-Absent	Board Member Katy Sorenson	-Absent
Board Member William H. Kerdyk	-Absent	Board Member Rebeca Sosa	-Absent
Board Member M. Ronald Krongold	-Aye	Board Member Javier D. Souto	-Aye
Board Member Joe A. Martinez	-Absent	Chairperson Barbara M. Carey-Shuler	-Aye

The Chairperson thereupon declared the resolution duly passed and approved this 27<sup>TH</sup> day of May, 2004.

METROPOLITAN PLANNING ORGANIZATION  
M.P.O.

By

Jose-Luis Mesa  
MPO Secretariat

